

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2011-463-C - ORDER NO. 2011-930

DECEMBER 22, 2011

IN RE: Petition of Windstream NuVox, Incorporated)	ORDER REVERSING
Requesting the Commission's Intervention in)	NUMBERING
Numbering Resources Determinations in the)	DETERMINATION
Seneca Rate Center)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of Windstream Nuvox, Inc. ("Windstream" or the "Company") for review of the North American Numbering Plan Administrator's and/or the Pooling Administrator's (collectively "NANPA/PA" also known as "Central Office Code Administration") central office code numbering resources decision to deny the Company's request for numbering resources in the Seneca Rate Center. The Petition states that Windstream has received a request from Oconee County for an additional block of 1,000 numbers. Apparently, the County is in the process of moving its current existing plain old telephone systems to a voice over internet protocol (VOIP) solution, which will result in a hardship to the public because of the numerous changes needed to be made on websites, in phone books, on business cards, and so forth without the requested block of numbers. The Company states it does not have the numbers to meet its customer's request and asks that the Commission reverse NANPA/PA's denial.

NANPA/PA's denial of the requested numbering resources stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that Windstream does not meet these requirements.

Although Windstream fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that Windstream has demonstrated a need for numbering resources that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for Windstream to meet

the needs of its customers. Consequently, we hold that NANPA/PA is directed to approve Windstream's request for the additional numbering resources in the Seneca Rate Center.

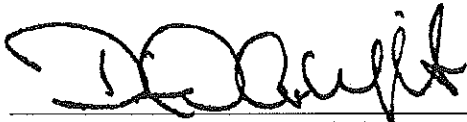
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman

(SEAL)